



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Diane L. Deering; Bradley E. Deering Confirmation :No.: 2687  
App. No.: 09/805,539  
Filed: March 13, 2001  
Title: PILLOW BLANKET  
Art Unit: 3673  
Examiner: F. Conley

Docket No.: D15-003-02-US  
Customer No: 22,854

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Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicant request review of the final rejection of the above-identified application. No amendments are being filed with this request.

**REMARKS/ARGUMENTS**

**Claim rejections under 35 U.S.C. § 103(a)**

1) Claims 14 and 17-22 have been rejected as being unpatentable over U.S. Patent

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Date: March 10, 2006

James R. Hakomaki  
JAMES R. HAKOMAKI  
(type or print name of person certifying)

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No. 5,245,717 (Rudy) in view of U.S. Patent No. 777,825 (Wilkes) and further in view of U.S. Patent No. 4,375,111 (Hall).

As explained on pages 6-13 of the previous response, the Examiner has failed to show proper motivation for modifying the base reference of Rudy in view of Wilkes and further in view of Hall. The differences between the prior art and Applicant's invention can be summarized as follows:

- a) **Rudy** does not provide a pocket for the bottom or inner facing surfaces of his relaxation article.
- b) **Rudy** does not show or disclose that his relaxation article is convertible between a blanket and a pillow.
- c) **Rudy** does not show or disclose an elongated middle portion having a width that is wholly divisible into the width of his relaxation article.
- d) **Rudy** does not show or disclose an elongated middle portion that extends the length of his relaxation article along a longitudinal centerline.
- e) **Rudy** discloses a pocket; however the bottom edge of his pocket is not substantially coincident with the bottom edge of his relaxation article.
- f) The length of the bottom edge of **Rudy's** pocket does not substantially define the width of the middle portion of his relaxation article.
- g) **Rudy's** pocket is not designed to receive at least one lower appendage of a user.
- h) **Rudy's** pocket is not designed to receive a substantial portion of his relaxation article so that his relaxation article may be converted into a pillow.
- i) **Rudy** does not show or disclose sleeves that extend away from each other when the article is arranged in a generally planar configuration.
- j) **Wilkes** does not show or disclose that his lap robe is convertible between a blanket and a pillow.



- k) **Wilkes** does not show or disclose an elongated middle portion having a width defined by longitudinal fold lines so that it is wholly divisible into the width of his lap robe.
- l) **Wilkes** does not show or disclose an elongated middle portion that extends the length of his lap robe along a longitudinal centerline.
- m) The bottom edge of **Wilkes'** foot piece is not substantially coincident with the middle portion of his lap robe.
- n) **Wilkes'** apertures are not configured to allow an upper appendage to protrude substantially through his lap robe.
- o) **Wilkes** does not show or disclose sleeves.

There is no teaching, suggestion, or motivation to modify the base reference of Rudy in view of the reference of Wilkes.

- p) Hall discloses two versions of a convertible mat and carrying bag. In one version, the mat and bag are completely separate. In the other version, there is a panel that is attached to a corner of the mat. Note that when the mat is in the unfolded state, there is no pocket. A pocket is only formed after the mat has been folded into the lower corner of the mat that contains the panel.

There is no teaching, suggestion, or motivation to modify the combined references of Rudy and Wilkes in view of the reference of Hall.

- 2) Claim 23 has been rejected as being unpatentable over U.S. Patent No. 5,245,717 (Rudy) in view of U.S. Patent No. 777,825 (Wilkes), U.S. Patent No. 4,375,111 (Hall), and further in view of U.S. Patent No. 6,219,847 (Aikins).

As explained on pages 14-15 of the previous response, the Examiner has failed

to show proper motivation for modifying the base reference of Rudy, in view of Wilkes, Hall, and Aikins.

There is no teaching or suggestion in the references of Rudy or Aikins that their cuffs could be made of expandable material, nor is there any motivation to do so. There is only a conclusory assertion by the Examiner, using Applicant's disclosure as a roadmap, that it would have been obvious to provide the combination of Rudy, Wilkes, Hall, and Aikins with expandable cuffs.

3) Claims 15, 16, and 24 have been rejected as being unpatentable over U.S. Patent No. 5,245,717 (Rudy) in view of U.S. Patent No. 777,825 (Wilkes), U.S. Patent No. 4,375,111 (Hall), and further in view of U.S. Patent No. 6,006,356 (Song).

As explained on pages 15-17 of the previous response, the Examiner has failed to show proper motivation for modifying the base references of Rudy, in view of Wilkes, Hall, and further in view of Song.

Song shows and discloses a wraparound garment that is configured to be wound about the torso of a user. There is a plurality of apertures that are configured to receive a user's arms. The apertures have elongated axes; however, the axes of Song's apertures are not parallel to the longitudinal centerline of Song's garment. This is because the longitudinal centerline of Song extends from edge 30 to edge 35 along the longest dimension of the garment. Song's elongated or long axes of Song's openings (15, 20, and 25) are perpendicular to the longitudinal centerline of his garment and extend between edges 45 and 65.

There is no motivation to provide oblong apertures as taught by Song to the combination of Rudy, Wilkes and Hall, other than the Examiner's conclusory assertion

that it would have been obvious.

## CONCLUSION

On the basis of the foregoing remarks and arguments of record, applicant respectfully submits that claims 14-24 are in condition for allowance and Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Alternatively, if the Examiner is of the opinion that prosecution of the application may be expedited by a telephonic interview, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,  
For the Applicant  
By his Attorneys,

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22854

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Date March 10, 2006

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